IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2006

Coram :

THE HONOURABLE MR.JUSTICE K.RAVIRAJA PANDIAN

Writ Petition No.3779 of 2000

M/s.Malar Hospitals Limited
No.52, First Main road
Gandhi Nagar, Adyar
Chennai - 600 020. ... Petitioner

Vs

1. The Directorate General of Health Services
   Nirman Bhavan
   New Delhi - 110 011

2. The Assistant Commissioner of Customs
   Air Cargo Complex, Meenambakkam
   Chennai - 600 027

3. The Union of India
   rep.by the Secretary
   Ministry of Finance
   North Block, New Delhi

4. The Union of India
   rep.by the Secretary
   Ministry of Health & Family Welfare
   Nirman Bhawan
   New Delhi - 110 011. ... Respondents

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Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of certiorari to call for the records of the first respondent dated 12.11.1999 bearing No.Z.37034/17/93-MG and quash the same.

For Petitioner : Mr.V.Ayyadurai

For respondents : Mr.P.Wilson,Asst.Solicitor General

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ORDER

The petitioner has filed this writ petition challenging the impugned proceedings passed by the Directorate General of Health services, New Delhi, the first respondent herein dated 12.11.1999 whereby the Customs Duty Exemption certificate already issued to the petitioner had been revoked.

2. The reason for such revocation is that the petitioner hospital has not fulfilled the obligations under Notification No.64/88 Customs dated 1.3.1988.

3. There is no need to discuss the questions raised by the learned counsel in the case of APPOLO HOSPITALS ENTERPRISES LIMTIED VS. UNION OF INDIA reported in (2001) 133 ELT 58. As this Court discussed the arguments of both the sides elaborately in the above said judgment by allowing the writ petitions, the reasoning given in the said judgment for settling aside the order of the second respondent therein will hold good in this writ petition also. Hence, following the said judgment, this writ petition is also allowed and the matter is remanded to the first respondent for fresh consideration in terms of the judgment of this Court referred above. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

Usk

To

1. The Directorate General of Health Services
   Nirman Bhavan
   New Delhi - 110 011

2. The Assistant Commissioner of Customs
   Air Cargo Complex, Meenambakkam
   Chennai - 600 027

3. The Secretary
   Ministry of Finance
   Union of India
   North Block, New Delhi

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4. The Secretary
   Ministry of Health & Family Welfare
   Union of India
   Nirman Bhawan
   New Delhi - 110 011.

+ One CC to MR. V. Ayyadurai, Advocate Sr. No. 52673.

+ One CC to Mr. P. Wilson, Asst. Solicitor General Sr. No. 52629.

RSN(CO) 20.11.2006

RR/15.12.2006

HIGH COURT OF JUDICATURE MADRAS
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